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) Criminal Action No. 08- 132  
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On or about July 28, 2008, in the State and District of Delaware, Lamarr McElderry, defendant herein, did knowingly possess with intent to distribute a mixture and substance containing a detectable amount of cocaine base, a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

**COUNT III**

On or about July 28, 2008, in the State and District of Delaware, Lamarr McElderry, defendant herein, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States (to wit, the knowing possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base, as set forth in Count II of this Indictment and incorporated by reference as if fully set forth herein), did knowingly possess a firearm, to wit, a Marakov 9mm, serial number NM251265, all in violation of Title 18, United States Code, Sections 924(c)(1)(A).

**FORFEITURE ALLEGATION**

Upon conviction of the offense alleged in Count One of this Indictment, defendant shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in the commission of the offense, including but not limited to the following:

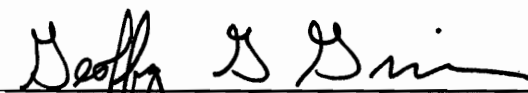
1. Marakov 9mm, serial number NM251265; and
2. 7 rounds of ammunition.

A TRUE BILL:



Foreperson

COLM F. CONNOLLY  
United States Attorney

BY:   
Geoffrey G. Grivner  
Special Assistant United States Attorney

Dated: August 26, 2008